



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07402-99
26 January 2001

MR [REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 3 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They noted that you did not provide a copy of the letter which, you allege, led you to believe that your release from active duty was a discharge from the Naval Reserve. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5420

PERS-86

MAR 3 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
LIEUTENANT [REDACTED], USNR [REDACTED]

Ref: (a) 10 USC § 1552
(b) Your memo of 14 Feb 00
(c) MILPERSMAN 1010-010

Encl: (1) BCNR File 07402-99 w/Service Record

1. Per reference (a) and in response to reference (b), we are returning enclosure (1) with the recommendation that you deny Lieutenant [REDACTED]'s request based on the following observations.
2. Lieutenant [REDACTED] requests removal of the failure of selection before the FY-99 and the FY-00 promotion selection boards based on the belief the boards improperly considered him.
3. Lieutenant [REDACTED] had complete his minimum eight years of obligated service; however, he still maintains a reserve commission. The DD-214 provided in reference (b) shows the type of separation as a release from active duty. We found no documentation to show Lieutenant [REDACTED] resigned his reserve commission. Therefore, he meets the requirement of reference (c) to remain on the Reserve Active Status List (RASL) making him eligible for both boards as an 1115 vice 1117 designator. While specific reasons for Lieutenant [REDACTED]'s failures to select are not available, it is our opinion that his record was simply not competitive enough when viewed within the numerical constraints placed on the boards.

[REDACTED]
Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division